

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
December 9, 2014 – POLICY SESSION

Mission Statement: To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION

Presentation on Open Space and the Cemetery
Discussion on Proposed Amendments and Corrections to Title 11, Land Use, and Title 12 Subdivision Regulations, Including the Definitions and Supplementary Regulations for “Swap Meet”
Discussion on Proposed Amendments to the General Plan, Chapter 4, Affordable Housing
Discussion on Proposed Fee Waivers for Future Retail Development on Certain Parcels at Legend Hills
Discussion on the Award of Bid for Janitorial Services
Discussion on Participation with Local First Utah
Discussion on the Design for City Gateway Monuments

(Any items not addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY SESSION

CALL TO ORDER:

Mayor Shepherd

OPENING CEREMONY:

Councilmember Jones

APPROVAL OF MINUTES:

November 18, 2014 – Special Session

November 18, 2014 – Work Session

November 25, 2014 – Policy Session

PUBLIC HEARINGS:

1. **RECEIVE COMMENT ON GPA 1411-0003 – PROPOSED AMENDMENTS TO CHAPTER 4, AFFORDABLE HOUSING, OF THE CITY’S GENERAL PLAN**

BACKGROUND: The applicant, Ed Green, has requested amendments to Chapter 4, Affordable Housing, of the City’s General Plan. The amendments would include language that would allow for rezones to R-2, two-family residential, and R-3, multi-family residential, in limited cases. The proposed amendment would provide flexibility for developers and the City to consider residential as an additional land use on parcels of property that have shown inability to sell as commercial. The Planning Commission held a public hearing on December 3, 2014 and recommended denial of the applicant’s amendments but recommended approval of staff’s alternative recommendation for amending the Affordable Housing element of the General Plan.

RECOMMENDATION: Receive public comment.

2. RECEIVE COMMENT ON ZTA 1411-0006 – PROPOSED AMENDMENTS AND CORRECTIONS TO TITLE 11, LAND USE AND TITLE 12, SUBDIVISION REGULATIONS, INCLUDING THE DEFINITION AND SUPPLEMENTARY REGULATIONS FOR “SWAP MEET”

BACKGROUND: Staff has identified a few minor corrections that need to be made to language in Title 11, Land Use, and Title 12, Subdivision Regulations. Additionally, a request has been made for a use that most closely resembles a “Swap Meet.” City Code does not have that use listed or defined in its definitions or supplementary regulations, so language has been drafted to include it. The Planning Commission held a public hearing on December 3, 2014 and recommended approval of the text amendments.

RECOMMENDATION: Receive public comment.

3. RECEIVE COMMENT ON FSP 1411-0004, A REQUEST BY JARED SCHOFIELD FOR FINAL SUBDIVISION PLAT APPROVAL OF THE SUMMIT REALTY II – JENNMAR SUBDIVISION LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

BACKGROUND: The proposed subdivision plat creates two lots from one single lot. The newly created lot, owned by Summit Realty, would be used by the Jennmar Company to expand its manufacturing and enclosed storage area. The Planning Commission held a public hearing on December 3, 2014, and recommended approval of the plat.

RECOMMENDATION: Receive public comment.

4. RECEIVE COMMENT ON FSP 1411-0005, A REQUEST BY DON MCKINNON, DAVIS BEHAVIORAL HEALTH, FOR FINAL SUBDIVISION PLAT APPROVAL FOR THE SMITH ESTATES AMENDMENT 3 SUBDIVISION LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0003, 12-069-0004)

BACKGROUND: The proposed subdivision plat would combine four separate lots owned by Davis Behavioral Health into one lot. The City agreed to participate financially in the removal of three structures on the properties and a condition of that participation required the combination of the lots in order to create a single pad site for future commercial development. The Planning Commission held a public hearing on December 3, 2014, and recommended approval of the subdivision plat.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEMS:

5. CITIZEN COMMENTS

6. CONSIDER APPROVAL OF A MEMORANDUM OF UNDERSTANDING GRANTING CERTAIN FEE WAIVERS FOR FUTURE RETAIL DEVELOPMENT ON SPECIFIC PARCELS OF LEGEND HILLS PROPERTY

BACKGROUND: In February 2007, to help preserve and facilitate the development of prime commercial property, the City Council granted \$52,000 in waivers of building permit fees and application fees. Due to the severe recession, no portion of the waivers was utilized before expiring five years later. Now that the economy has recovered and there is potential for new commercial development, a developer has requested to renew those waivers. If approved, this new MOU would grant \$52,000 in waivers of building permit fees and land use application fees (but not impact fees) for retail development on certain parcels of Legend Hills property (Parcel ID numbers 09-341-0305, 09-341-0306, 09-023-0082 and 09-377-0306) for a new five year period.

RECOMMENDATION: Approve the Memorandum of Understanding granting certain fee waivers for future retail development on specific parcels of Legend Hills property and authorize the Mayor's signature to any necessary documents.

7. CONSIDER APPROVAL OF THE AWARD OF BID FOR THE ENERGY PERFORMANCE SERVICES

BACKGROUND: Staff solicited bids for Energy Performance Contracting services. Two vendors submitted qualified bids and each bid was reviewed and ranked by staff based on the guidelines included in the Request for Proposals (RFP). Based on the review, staff is recommending McKinstry be awarded the contract for providing the services.

RECOMMENDATION: Approve the Award of Bid for Energy Performance Services to McKinstry and authorize the Mayor's signature to any necessary documents.

8. CONSIDER APPROVAL OF ORDINANCE 2014-29 APPROVING AN AMENDMENT TO CHAPTER 4, AFFORDABLE HOUSING, OF THE CITY'S GENERAL PLAN

RECOMMENDATION: Approve Ordinance 2014-29 approving amendments to Chapter 4, Affordable Housing, of the City's General Plan and authorize the Mayor's signature to any necessary documents.

9. CONSIDER APPROVAL OF ORDINANCE 2014-30 APPROVING AMENDMENTS AND CORRECTIONS TO TITLE 11, LAND USE AND TITLE 12, SUBDIVISION REGULATIONS, INCLUDING THE DEFINITION AND SUPPLEMENTARY REGULATIONS FOR "SWAP MEET"

RECOMMENDATION: Approve Ordinance 2014-30 approving amendments and corrections to Title 11, Land Use, and Title 12, Subdivision Regulations, including the definition and supplementary regulations for "Swap Meet" and authorize the Mayor's signature to any necessary documents.

10. CONSIDER APPROVAL OF FSP 1411-0004, A REQUEST BY JARED SCHOFIELD FOR FINAL SUBDIVISION PLAT APPROVAL OF THE SUMMIT REALTY II – JENNMAR SUBDIVISION LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

RECOMMENDATION: Approve FSP 1411-0004, a request by Jared Schofield for Final Subdivision Plat approval of the Summit Realty II – Jennmar Subdivision located at approximately 155 East 550 South (TIN: 12-003-0164, 12-003-0236) and authorize the Mayor's signature to any necessary documents.

11. CONSIDER APPROVAL OF FSP 1411-0005, A REQUEST BY DON MCKINNON, DAVIS BEHAVIORAL HEALTH, FOR FINAL SUBDIVISION PLAT APPROVAL FOR THE SMITH ESTATES AMENDMENT 3 SUBDIVISION LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0003, 12-069-0004)

RECOMMENDATION: Approve FSP 1411-0005, a request by Don McKinnon, Davis Behavioral Health, for Final Subdivision Plat approval of the Smith Estates Amendment 3 Subdivision located at approximately 836 South State Street (TIN: 12-069-0001, 12-069-0003, 12-069-0004) and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

Mayor's Report
City Councils' Reports
City Manager's Report
Staffs' Reports

****COUNCIL ADJOURN****

Dated this 4th day of December, 2014.

/s/Kimberly S. Read, Deputy City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. SPECIAL SESSION
November 18, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Kaylee Taylor, Preston Taylor, Victor Vroman, Michael Wagstaff - MIDA

Mayor Shepherd called the meeting to order at 6:00 p.m.

PUBLIC HEARING TO RECEIVE COMMENT REGARDING THE PETITION TO ANNEX
PROPERTY COMMONLY KNOWN AS THE FALCON HILL ANNEXATION

The City recently received a petition to annex 49.73 acres of military land located on and/or adjacent to Hill Air Force Base (HAFB) and within the Military Installation Development Authority's (MIDA) Falcon Hill Project Area on the northeastern border of Clearfield City. The City was required to hold a public hearing on the possible annexation.

Brian Brower, City Attorney, explained the City recently received a Petition for Annexation from Sunset Ridge Development Partners, LLC, requesting a certain portion of the Falcon Hill Project Area be annexed into Clearfield City. He stated the City had completed the appropriate steps required by State Code to comply with the requirements associated with the annexation and reviewed some of them with the Council. He stated the public hearing was the last requirement before the City could proceed with the annexation.

Mayor Shepherd opened the public hearing at 6:02 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 6:03 p.m. seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2014-26 APPROVING THE FALCON HILL ANNEXATION WHICH INCLUDED PROPERTY LOCATED WITHIN MIDA’S FALCON HILL PROJECT AREA ON THE NORTHEASTERN BORDER OF CLEARFIELD CITY

Councilmember LeBaron moved to approve Ordinance 2014-26 approving the Falcon Hill Annexation located on and/or adjacent to Hill Air Force Base (HAFB) within MIDA’s Falcon Hill Project Area on the northeastern border of the City and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

CANVASS THE RESULTS OF CLEARFIELD CITY’S BALLOT PROPOSITION #7 CONDUCTED AS PART OF THE GENERAL ELECTION HELD ON NOVEMBER 4, 2014

State Law required the governing body verify the results of the General Election, which was held on Tuesday, November 4, 2014.

Nancy Dean, City Recorder, presented the canvass report as prepared by the Davis County Clerk’s Office. She noted the results were verified as the following:

Clearfield City Prop 7

	Total	
Number of Precincts	15	
Precincts Reporting	15	100.0 %
Times Counted	3242/7813	41.5 %
<hr/>		
FOR	1695	55.72%
AGAINST	1347	44.28%

Ms. Dean reviewed the ballots which were not counted and reported five absentee ballots were not counted and three provisional ballots were not counted: one absentee ballot wasn’t counted because the voter had already voted, two weren’t counted because no signature appeared on the ballot and two didn’t count because the signatures didn’t match. She further clarified the County had a system in place that helped it determine if a mailed ballot was received from a voter who also voted at a polling location. She stated neither ballot was counted if a voter voted both methods. She stated two absentee ballots weren’t counted because they weren’t signed which was State Law. She indicated the County made every effort to verify signatures when there was a discrepancy. She also indicated the three provisional ballots didn’t count because proof of residency couldn’t be verified. She announced over three thousand ballots were cast which was the equivalent to a 41.5% voter turnout.

Ms. Dean reported the number of active voters was 7,813. She emphasized Davis County had worked diligently over the past two years to contact inactive voters and remove from County

voter rolls those who had moved. She reported 1,695 votes were received for the imposition of the PARAT tax and 1,347 votes were received against the PARAT tax.

Ms. Dean referred to map illustrating the different voting precincts which was distributed on the dais to further clarify which areas of the City voted for and against the PARAT tax.

Ms. Dean announced she had reviewed the results of the election submitted by Davis County and recommended they be accepted by the Council.

Mayor Shepherd inquired about the percentages for ballots received at the polling locations compared to those received by mail. Ms. Dean responded she didn't have those figures for the City as a whole; however, they were available by precinct. She did state the County's Election's Official reported to the Davis County Commission the Vote by Mail Election had been successful and believed the City would be encouraged to conduct its future elections in that fashion if it chose to contract those services with the County. She stated she would be meeting with other Recorder's and the County's Election Official to determine the cost of a Mail Election. She reported the law was recently changed which required postage to be paid on only those ballots which were returned as opposed to every ballot envelope sent out. She emphasized even with an all by-mail Election, the City was required to have at least one polling location open on Election Day to accommodate anyone who desired to cast their vote in person. She indicated there were 17,000 ballots that needed to be counted after the polls closed on Election Day. She expressed her opinion the County had not anticipated that many voters to appear at the polling location on Election Day. .

Councilmember Benson inquired how the County could guarantee the mailed ballot was completed by the appropriate voter. Ms. Dean stated the County had record of the registered voter's signature which was used for signature comparison in addition to the signature on Utah Driver's Licenses.

Adam Lenhard, City Manager, responded to Mayor Shepherd's previous question and reported seventy-seven percent of the votes cast were completed by mail. Ms. Dean emphasized the County Election's Officer was positive the by-mail election significantly increased voter turnout for a midterm election.

Mr. Lenhard inquired how by-mail ballots received at polling locations on Election Day were counted. Ms. Dean responded she didn't know but assumed they were counted as if they were received by mail because otherwise the voter would have voted via electronic machine.

Councilmember Young commented there was no "write in" line on the ballot received in the mail. Ms. Dean responded if there wasn't a registered write-in candidate that wouldn't be necessary and explained a write-in candidate would have to register by a certain date. Councilmember Young expressed his opinion every voter had the opportunity to express his/her voice/opinion with the write in line. Ms. Dean mentioned she would check on that because that was a valid concern given there were so many races with unopposed candidates.

Councilmember Young moved to accept the canvass reports as submitted by the Davis County Elections Officer and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

Councilmember Young moved to adjourn the regular session and reconvene in a work session at 6:17 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

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CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
November 18, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Richard Fisher	Emergency Services Manager
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder

VISITORS: Matt Beaudry – Utah Department of Emergency Management

Mayor Shepherd called the meeting to order at 6:30 p.m.

ICS-402 (INCIDENT COMMAND SYSTEM) TRAINING

Mayor Shepherd and members of the City Council participated in FEMA (Federal Emergency Management Agency) ICS-402 (Incident Command System) Training. Matt Beaudry, Utah Department of Emergency Management facilitated the training.

The meeting adjourned at 7:45 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
November 25, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Bruce Young	Councilmember
EXCUSED:	Mike LeBaron	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Scott Hess	Development Services Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Kodi Nelson	Justice Court Supervisor
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Bob Bercher, Reuben Renstrom – Justice Court Judge, John Sandburg – Justice Court Judge, Kathryn Murray, John Hansen

Mayor Shepherd called the meeting to order at 7:00 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember Jones conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE OCTOBER 28, 2014 WORK SESSION AND POLICY SESSIONS

Councilmember Bush pointed out the start time of the October 28, 2014 work session minutes was incorrect and requested it be amended to reflect the time of 6:00 p.m.

Councilmember Jones moved to approve the minutes from the October 28, 2014 work session, as amended, and the October 28, 2014 policy session, as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE –

Councilmembers Benson, Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

PRESENTATION ON THE CLEARFIELD JUSTICE COURT

Clearfield Justice Court Judge John Sandberg introduced Judge Reuben Renstrom, President of the Justice Court Judge’s Association and Chairman of the Justice Court Board. Honorable Renstrom stated he was excited to attend the Council Meeting on behalf of the Association and the Justice Courts of Utah. He mentioned he served Davis and Weber Counties and was excited at the opportunity to present an award to Kodi Nelson, Clearfield Justice Court Supervisor. He stated he’d had the pleasure of serving and working with Ms. Nelson during Judge Sandberg’s extended absence a few years ago and mentioned she was not only asset to Clearfield City but to the Justice Courts of Utah as well. He remarked her professionalism, experience and abilities reflected her worthiness to be the recipient of the Court Clerk of the Year Award and announced she had received a unanimous vote. He presented Kodi with the award.

John Sandberg, Clearfield Justice Court Judge, briefly shared comments regarding experiences with the Clearfield Justice Court. He complimented the entire staff of the Justice Court and emphasized its professionalism was directly related to Ms. Nelson’s administrative skills. He expressed his appreciation to Ms. Nelson for her assistance and believed her to be deserving of the award.

Ms. Nelson expressed her appreciation for being recognized. She stated she really enjoyed her job and her career with Clearfield City.

Judge Sandberg read the award to the Council and stated she had been awarded The Justice Court Employee of the Year.

The Council expressed its appreciation to Ms. Nelson for her service to the City.

PUBLIC HEARING TO RECEIVE COMMENT ON PROPOSED ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 11, ARTICLE E, DOWNTOWN REDEVELOPMENT ZONE (D-R) ZONE

The proposed zoning text amendments in the Downtown Redevelopment Zone would amend commercial and residential ratios, unit size, and development agreement requirements. The Planning Commission addressed the amendments during its meeting on Wednesday, November 5, 2014, and forwarded a recommendation to the City Council.

Scott Hess, Development Services Manager, reviewed the proposed Zoning Text Amendments with the Council :

- The term “Downtown” would be removed and the ordinance would identify the zone could be applied to major commercial/transportation corridors and downtown areas within the City.
- The addition of requiring Development Agreements for all new development under the zone.
- The removal of the average size for residential units, keeping the minimum unit size of 700 square foot for the smallest average unit size.

- The addition of language that would allow the developer to not use the entire first floor space for commercial development as negotiated through the Development Agreement when in the City's best interest.

Mayor Shepherd opened the public hearing at 7:09 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Young moved to close the public hearing at 7:10 p.m. seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF THE WINNER OF THE “NAME THAT PARK” CONTEST FOR THE PARK LOCATED ON THE CORNER OF SOUTH MAIN STREET AND GORDON AVENUE

The City conducted a “Name that Park” contest to determine the name of the recently completed park located on the corner of South Main and Gordon Avenue. Over 70 submissions were received which were narrowed down to 10 by the Parks & Recreation Commission during its meeting on Wednesday, November 19, 2014. The Council reviewed those 10 recommended names during the work session held prior to the City Council meeting.

Mayor Shepherd announced the Council had selected the name of “Cornerstone Park”.

Councilmember Jones moved to approve the winning submission of Cornerstone Park for the “Name that Park” contest and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

APPROVAL OF ORDINANCE 2014-28 APPROVING ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 11, ARTICLE E, DOWNTOWN REDEVELOPMENT (D-R) ZONE

Mayor Shepherd reminded the Council the public hearing associated with the item took place earlier in the meeting and Scott Hess, Development Services Manager, had reviewed the proposed changes with the Council.

Councilmember Young moved to approve Ordinance 2014-28 approving Zoning Text Amendments to Title 11, Chapter 11, Article E, Downtown Redevelopment (D-R) Zone and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson,

Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

APPROVAL OF RESOLUTION 2014R-23 SETTING TERMS FOR A LOAN BETWEEN THE CITY AND THE CDRA

Rich Knapp, Administrative Services Director, explained the City had loaned money from its Utility Administration Fund to the CDRA in order to help fund the CDRA in its authorized activities and to further its purposes for the good of the City, its residents and businesses. He stated the resolution was necessary to set terms associated with the loan which happened in 2000. He continued the resolution formally authorized and sets the terms for repayment of the loaned funds including interest accrued. He reviewed the proposed terms with the Council.

Councilmember Bush moved to approve Resolution 2014R-23 authorizing and setting terms for the loan between the City and the CDRA and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

APPROVAL OF ORDINANCE 2014-27 ENACTING THE PARAT (PARKS, ARTS, RECREATION, AQUATICS AND TRAILS) TAX

Adam Lenhard, City Manager, stated the City had submitted an opinion question to voters during the General Election on Tuesday, November 4, 2014, regarding the imposition of a local sales and use tax to assist in funding facilities, programs and/or organizations designed to improve Parks, Arts, Recreation, Aquatics, and Trails (“PARAT”) opportunities in Clearfield. The majority of voters supported the imposition of the one-tenth of one percent local sales and use tax by a margin of 56 percent to 44 percent. He indicated the tax would become official in April 2014.

Councilmember Benson moved to approve Ordinance 2014-27 enacting the PARAT (Parks, Arts, Recreation, Aquatics and Trails) Tax and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

APPROVAL OF AN AGREEMENT WITH THE SALT LAKE CHAMBER OF COMMERCE FOR THE UTAH TRANSPORTATION COALITION PROJECT

Adam Lenhard, City Manager, stated staff was recommending approval of the Utah Transportation Coalition Project which would support the research and analysis of transportation funding in Utah at both the State and local level. He explained the agreement with the Chamber would assist with an advocacy and public awareness campaign related to Utah’s need for improved transportation. He continued the advocacy and public awareness campaign would include strategic communications planning, advertising media, advertising purchases, public events, online media, social media, editorial content, and other communication tools which the City would then be able to take advantage of by participating in the project. He indicated the

Chamber would also provide the City with a transportation advocacy tool kit to aid in discussing transportation needs with residents.

Mr. Lenhard believed transportation funding would be highly considered by the Legislature. He mentioned the contribution was a small amount.

Councilmember Jones moved to approve the Agreement with the Salt Lake Chamber of Commerce for the Utah Transportation Coalition Project and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

COMMUNICATION ITEMS

Mayor Shepherd

1. Informed the Council he had represented the City at the musical celebration/lighting ceremony in Layton City. He stated Commissioner Downs was the Master of Ceremonies during which several choirs participated in a brief concert performance prior to the park lighting ceremony.
2. Announced a departing reception to express appreciation for Commissioner Downs for her eight years of service to the County was scheduled for Friday, December 19, 2014 from 2:00 to 4:00 p.m.
3. Reported he had the opportunity to travel to Ft. Worth Texas to visit the Lockheed Martin facility which was assembling the F-35. He anticipated an influx of people coming to HAFB because of the F-35 project.
4. Stated he would be out of town beginning Saturday, November 29 until Sunday, December 7, 2014.
5. Announced he would be serving a Thanksgiving lunch tomorrow and Thursday, November 27, 2014 at HAFB.

Councilmember Benson

1. Announced the Clearfield Adult Choir would be performing in Kaysville City on Friday, November 28, 2014 at 7:30 p.m. at the church behind the Kaysville Movie Theatre. She indicated numerous nativities would be displayed and choirs were invited to sing during the open house. She stated the event would also take place on Saturday.
2. Informed the Council the choir had also been invited to sing at the Clearfield Community Church on Monday, December 15, 2014 at 7:00 p.m.

Councilmember Bush

1. Reported the North Davis Sewer District had approved the 2015 tentative budget at its Board Meeting on Thursday, November 13, 2015. He announced the public hearing for final approval would take place on Thursday, December 11, 2014 at 6:00 p.m.
2. Announced he had attended UDOT's (Utah Department of Transportation) open house on Wednesday, November 19, 2014, at Sunset City Hall regarding the proposed 1800 North Interchange project. He didn't believe there was any funding designated at this time for the project.
3. Informed the Council that the Parks & Recreation Commission also met on Wednesday, November 19, 2014 and announced the Christmas Light Decorating contest had begun. He encouraged nominations and indicated winners would be announced in December.

Councilmember Jones – expressed a Happy Thanksgiving to the City, staff and Council.

Councilmember Young – nothing to report.

Adam Lenhard, City Manager

1. Complimented Kodi Nelson, Court Clerk, on being recognized as Court Clerk of the Year. He expressed appreciation for the great job she did in the Justice Court.
2. Announced the City's credit rating had been increased by Fitch which would have a positive effect on the City's Sales Tax Bonds. He reminded the Council that Standard and Poors had upgraded the City's rating on the GO Bond. He believed the actions by the rating agencies showed the City was moving in the right direction and believed the rate increase would help in refinancing the Sales Tax Bonds sometime in the future.
3. Informed the Council that Nancy Dean, City Recorder, would be contacting members of the Council in selecting possible dates for the 2015 New Year Kick Off meeting. He indicated it would take place either on Friday, January 23, 2015 or Friday, January 30, 2015.

STAFFS' REPORTS

Nancy Dean, City Recorder

1. Informed the Council of the following meeting schedule:
 - No meeting was scheduled for Tuesday, December 2, 2014
 - Policy Session was scheduled for Tuesday, December 9, 2014 with a work session scheduled to begin at 6:00 p.m.
2. Announced the City Employee Christmas Party was scheduled for Friday, December 12, 2014. She indicated they would need to RSVP to the finance department by Monday, December 8, 2014. She stated it was \$15 per person and a menu selection would need to be indicated.

There being no further business to come before the City Council **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 7:26 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones and Young. Voting NO – None.** Councilmember LeBaron was not present for the vote.

The minutes for the CDRA are in a separate location



City Council

STAFF REPORT

TO: Mayor Shepherd, City Council, and Executive Staff

FROM: Scott A. Hess
Development Services Manager
scott.hess@clearfieldcity.org (801)525-2785

MEETING DATE: December 9, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **GPA 1411-0003**: A request by Edward Green for a General Plan Amendment to amend language within Chapter 4 Affordable Housing to allow for rezones of property to Residential R-2 and R-3 with limitations. This change would be effective across all applicable parcels of property within Clearfield City.

RECOMMENDATION

1. Consider information presented by Applicant
2. Consider Alternate Planning Commission Recommendation: Delete the last sentence of the Affordable Housing Element of the General Plan which reads: "There are still approximately five acres of undeveloped high-density residential property in the City; therefore, current policy is that no additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, MU, C-R or D-R Zone project"
3. Approve as proposed, Approve with amendments, or Deny.

ANALYSIS

Clearfield City General Plan, Chapter 4 Affordable Housing Element contains the following language which limits the ability to rezone property to two-family or multi-family dwellings. "No additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, MU, C-R, or D-R Zone project."

Planning Commission Recommendation

On December 3, 2014, Clearfield City Planning Commission recommended denial of the applicant's requested General Plan amendment language, and recommended approval of an alternate staff recommendation to strike the limiting language from the General Plan altogether. That former staff recommendation is now listed as the Planning Commission's alternative recommendation.

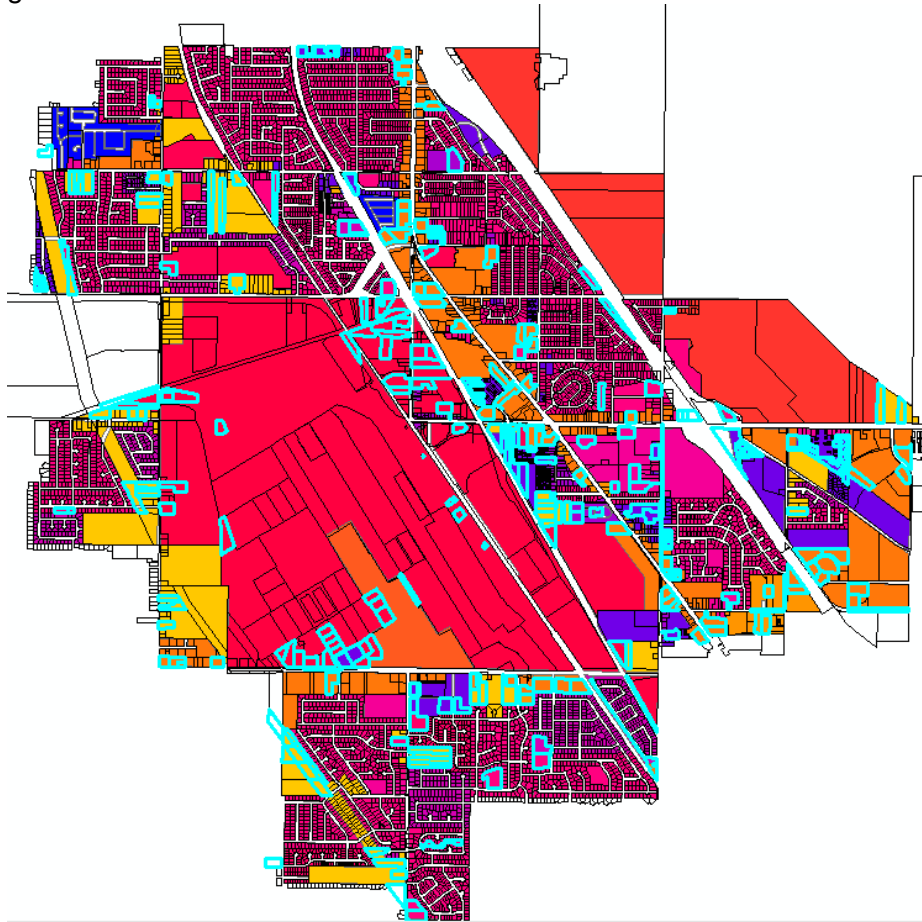
Proposed Changes

The applicant is requesting an amendment to this language to allow for rezones to R-2 or R-3 in limited cases. The proposed amendment language would be added to the last paragraph of the Chapter 4 Affordable Housing Element, and states:

“; or Except when the subject property is larger than one acre and smaller than three acres, in which case it may be approved as an R-2 or R-3 zone project.”

The amendment as proposed would provide flexibility for Developers and the City to consider residential as an additional land use on parcels of property that have shown inability to sell as commercial. The potential negative consequence to this is that it opens the City up to small multi-family projects in areas that have been previously held for other land uses through zoning and master planning.

Below is a map that queries all parcels in Clearfield City between 1 and 3 acres regardless of current zoning. They are highlighted in blue. There are currently a total of 244 parcels in the City that meet these very simple parcel size criteria. There are a handful of these parcels that fall within M-1 areas of old South Main Street and Freeport Center that would likely not be affected by this General Plan change, due to this incompatibility of residential and manufacturing uses. Other parcels that this affects are properties currently held in Agriculture zones, or within future single-family residential areas. These parcels are more concerning as they have the potential to change neighborhood dynamics, and are not what the intent of this General Plan Amendment is geared towards.



One difficult part of an analysis for a simple change related to parcel size is that it does not account for current parcels that are larger than 3 acres that a developer or property owner might subdivide in order to meet the requirement. This could affect many more parcels that are larger than 3 acres within Clearfield City.

Alternative Planning Commission Recommendation

Planning Commission accepted the alternative staff recommendation that the language in Chapter 4 of the General Plan which limits rezones of new property to R-2 or R-3 be stricken altogether. The last sentence of Chapter 4 currently reads: “There are still approximately five acres of undeveloped high-density residential property in the City; therefore, current policy is that no additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, MU, C-R or D-R Zone project”. Rezone applications are an example of decisions that are discretionary, not mandatory. Allowing each application to come in on its own merit rather than based on an acre size would be more appropriate. This would allow flexibility for both property owners as well as the city for parcels to develop at their highest and best use.

Public Comment

No public comment has been received to date.

FINDINGS

General Plan Map Amendment

Clearfield Land Use Ordinance Section 11-6-4 establishes the procedure to review a Petition for Change to General Plan or General Plan Maps. The procedure and staff’s evaluation are outlined below:

Review Consideration		Staff Analysis
1)	Designation of the specific text or map amendment desired.	Staff has provided the current text along with the applicant’s revised text.
2)	Reason and Justification for such change.	There are parcels in Clearfield City that have been held for many years waiting for commercial viability. Long-term listing and exposure of these properties as commercial has shown that the market cannot support some parcels. An applicant who owns a parcel under these conditions would like to change the General Plan in order to support a rezone of their property for multi-family residential.
3)	A draft of the proposed text or map amendment.	This has been provided within the report outlined above.
4)	An accurate property map showing all areas to be included in the amendment and all properties immediately adjacent to the proposed amendment area.	Property Map has been provided through the GIS system in order to provide the most current map available.



City Council

STAFF REPORT

TO: Mayor Shepherd, City Council, and Executive Staff

FROM: Scott A. Hess
Development Services Manager
scott.hess@clearfieldcity.org (801)525-2785

MEETING DATE: December 9, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 1411-0006**: A request by Clearfield City Staff for Zoning Text Amendments and corrections within Title 11 Land Use and Title 12 Subdivision Regulations, Sections: 11-1-10, 11-9, 11-15-3, 12-1-7, 11-13-29A. Also this zoning text amendment will consider supplemental regulations and a definition for a use titled Swap Meet. These changes would be effective across all applicable parcels of property and zones within Clearfield City.

RECOMMENDATION

Move to **approve of ZTA 1411-0006 to the City Council**, Zoning Text Amendments and corrections within Title 11 Land Use and Title 12 Subdivision Regulations, Sections: 11-1-10, 11-9, 11-15-3, 12-1-7, 11-13-29A, Swap Meet Definition and Supplemental Regulations for Swap Meets, based on the Planning Commission Recommendation, and findings and discussion in the Staff Report.

ANALYSIS

Clearfield City Code Title 11 and Title 12 have a few minor corrections that need to be made to the language. There was also a request for a use that appears to be most similar to a "Swap Meet". Clearfield City Code did not have that use listed/defined in its code, so Staff has prepared a definition and supplemental regulations. Below is a summary of the currently requested amendments.

Planning Commission Recommendation

On December 3, 2014, Clearfield City Planning Commission recommended approval of all presented Zoning Text Amendments with minor corrections to the language as presented. Staff is presenting that motion with the corrections incorporated for the City Council's consideration.

Proposed Changes

11-1-10 Public Notice Table – Add CUP Notice Requirements to Table 11.2 'Public Notice Requirements'.

11-9A, B, C, D, E, G, and H Permitted Uses – Add Home Occupation to permitted uses as allowed in Title 11, Chapter 16 to bring code reference in line with current practice.

- 11-8A and 8B Agricultural zones permit home occupations, and were added by staff after the Planning Commission meeting

11-13-29A Nondepository Lending – Add provision 3. A nondepository lending establishment shall not be located within 880 feet from any tattoo or body piercing establishment

11-15-3 Sign Regulations, Interpretation – Remove the call out to the “Board of Adjustment” and replace with “Planning Commission”

12-1-7 Subdivision Regulations, Exceptions to avoid hardships – Remove the call out to the “Board of Adjustment” and replace with “Planning Commission”

Swap Meets would be listed as Conditional Uses in C-2 and M-1 zones. Title 11, Chapter 11, Article B, Article D

Swap Meet Definition: Property where owner or lessee rents, lends or leases the premises to multiple persons for the use as an indoor open market place (without separate suites, offices, or rooms) to barter, exchange or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

Swap Meet Supplemental Regulations: Title 11, Chapter 13, Supplemental Regulations

- A. License Required: It shall be unlawful for any person, firm, corporation or charity to hold a swap meet or flea market without having first obtained a business license.
 - 1. Daily Business License: A swap meet licensee shall have the right to issue daily business licenses to individual sellers operating on the swap meet licensee’s premises upon receiving the required daily license fee of one dollar (\$1.00), as determined in the Consolidated Fee Schedule, and the signed application required by this article. This fee shall be remitted to the city and shall be applied toward the city’s added costs of printing application forms and policing swap meets for stolen goods. A licensee shall have the right to refuse to issue a daily business license to any applicant who does not have positive identification or who the licensee has reasonable cause to believe is attempting to sell stolen property.
- B. Restricted Items: No sale of firearms, pyrotechnics, ammunition, explosives, alcoholic beverages, food (except fresh produce), drinks, pornography, illegal substances, or medicines, shall be made by daily sellers on the swap meet licensee’s premises.
- C. Report Required: It shall be the duty of every swap meet licensee to report to the police department any article he or she has reason to believe was stolen or lost, and found by the person attempting to sell it.
- D. Pawnbrokers and Secondhand Business: A swap meet licensee shall not conduct the business of a pawnbroker or secondhand dealer without having obtained the licenses required for such businesses as provided in this Title.

Public Comment

No public comment has been received to date.

FINDINGS

Zoning Ordinance Text Amendment

Clearfield Land Use Ordinance Section §11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below:

Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed text amendments are consistent with the goals and policies of the Land Use Element of the City's General Plan. These references correct small issues and better define potential uses in Clearfield City.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	A review of current City Codes shows that there are small corrections that needed to be made. There was a property owner asking about a use that appears to be most similar to a "Swap Meet" which was not a defined term in Clearfield City's Code. Clearfield City Staff determined that the creation of a definition and regulations was the responsibility of the City.



City Council

STAFF REPORT

TO: Mayor Shepherd, City Council, and Executive Staff

FROM: Scott A. Hess
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: December 9, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **FSP 1411-0004**: A request by Jared Schofield of Jenmar for Final Subdivision Plat approval located at approximately 155 E. 550 S. (TIN: 12-003-0164, 12-003-0236).

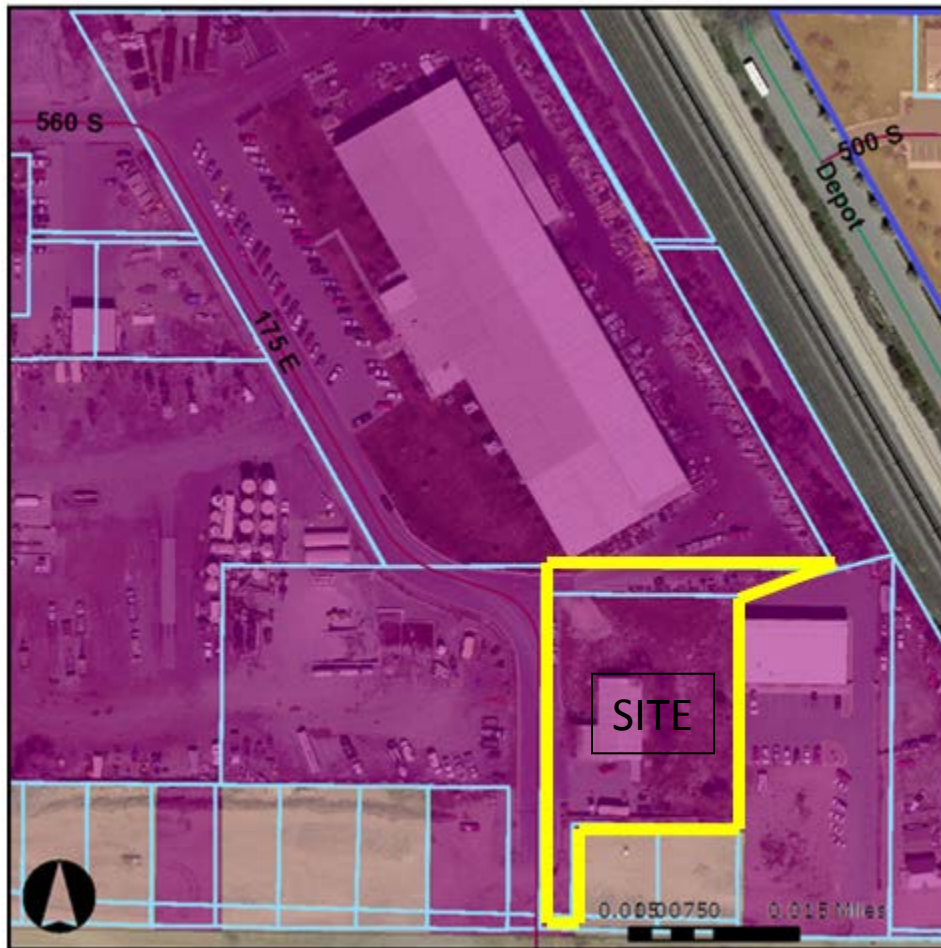
RECOMMENDATIONS

Approve as Conditioned **FSP 1411-0004**: A request by Jared Schofield of Jenmar for Final Subdivision Plat approval located at approximately 155 E. 550 S. (TIN: 12-003-0164, 12-003-0236) based on findings and discussion in the staff report.

PROJECT SUMMARY

Project Information	
Project Name	Summit Realty II – Subdivision
Site Location	Approx. 155 E. 550 S.
Tax ID Number	12-003-0164, 12-003-0236
Applicant	Jared Schofield
Property Owner	Summit Realty – Jenmar
Proposed Actions	Final Subdivision Approval
Current Zoning	M-1 Manufacturing
Master Plan Land Use	Manufacturing

Vicinity Map



ANALYSIS

Planning Commission Recommendation

On December 3, 2014, Clearfield City Planning Commission approved a Preliminary Subdivision Plat and recommended approval to the City Council for the Final Subdivision Plat. Preliminary Subdivision Plats receive final approval at the Planning Commission level, however Final Subdivision Plats move forward to City Council for final approval an acceptance.

Background

This plat is for the purposes of creating two lots from one single lot. The newly created lot on the east side is being developed for use by the Jennmar Company owned by Summit Realty. Jennmar needs room for expansion of manufacturing and enclosed storage area. A Site Plan will follow this application in 2015 for the construction of new improvements on the site. In order to facilitate the completion of the future site plan, the applicant would like to get the property subdivided and recorded.

Master Plan and Zoning

The parcels are Master Planned Business Park and zoned Manufacturing. The proposed amended plat is consistent with both the Master Plan and zoning. The area is completely surrounded by manufacturing uses with developed structures on three sides of the newly formed lot. Due to the simplicity of the plat, the Preliminary Plat approval and Final Plat approval are both recommended on this single staff report.

Subdivision Plat Approval

The plat is substantially complete. Staff would recommend that there be 10 foot public utility easements placed on the exterior boundary of both parcels. This plat will create a new lot where there is currently a structure owned by Jerry's Impact Machine. The existing structure conforms to all setbacks. Furthermore, minimum lot size, access, and lot widths all conform to the M-1 Manufacturing Zone. Staff also recommends that the indicated "Private Street" be changed to a public right-of-way as per the UDOT street dedication plat considered by City Council in 2013.

Clearfield City Public Works and North Davis Fire District have reviewed the plat, and have no major comments or concerns. Engineering Review is complete, and those concerns have been forwarded to the surveyor for inclusion of comments and corrections.

Public Comment

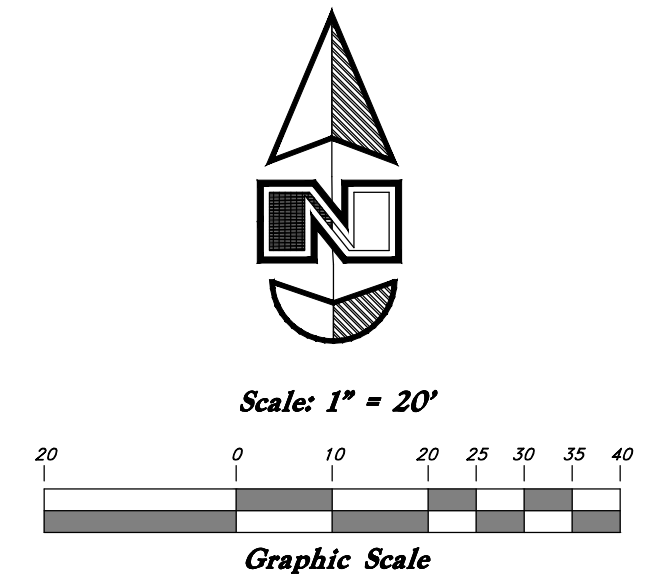
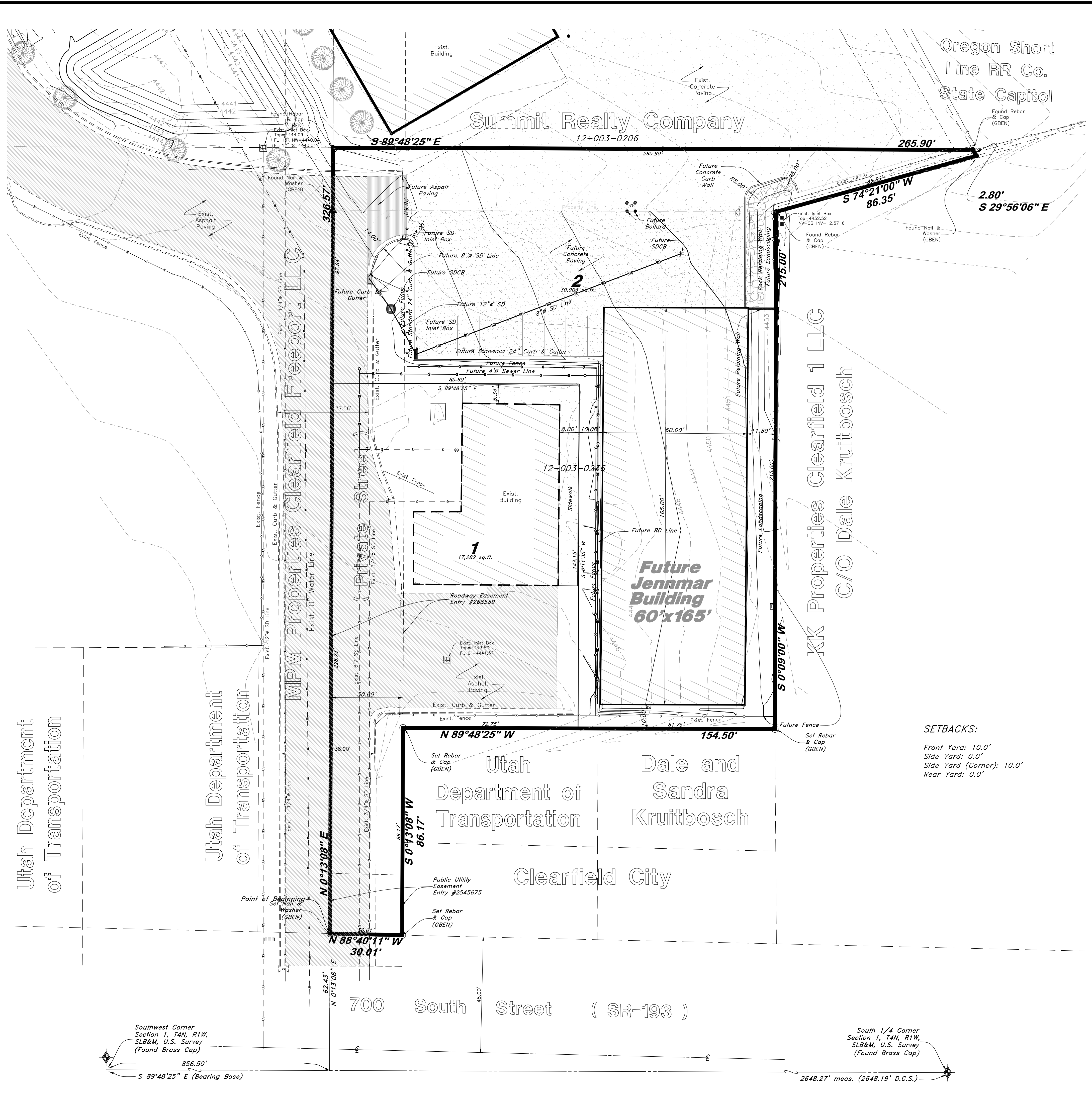
No public comment has been received to date.

CONDITIONS OF APPROVAL

- 1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited necessary easements and other call-outs as required.
- 2) Pursuant to the Subdivision Ordinance 12-4-5, an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any certificates of occupancy.
- 3) Pursuant to the Land Use Ordinance 11-13-23(C) and (D) Prior to obtaining any certificates of occupancy, the applicant either completes landscaping improvements or is subject to establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.
- 4) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.
- 5) 10 foot public utility easement added to the perimeter of each lot, and Private Street shall be shown as public per UDOT street dedication plat.

ATTACHMENTS

1. Summit Realty II – Subdivision Plat



Legend

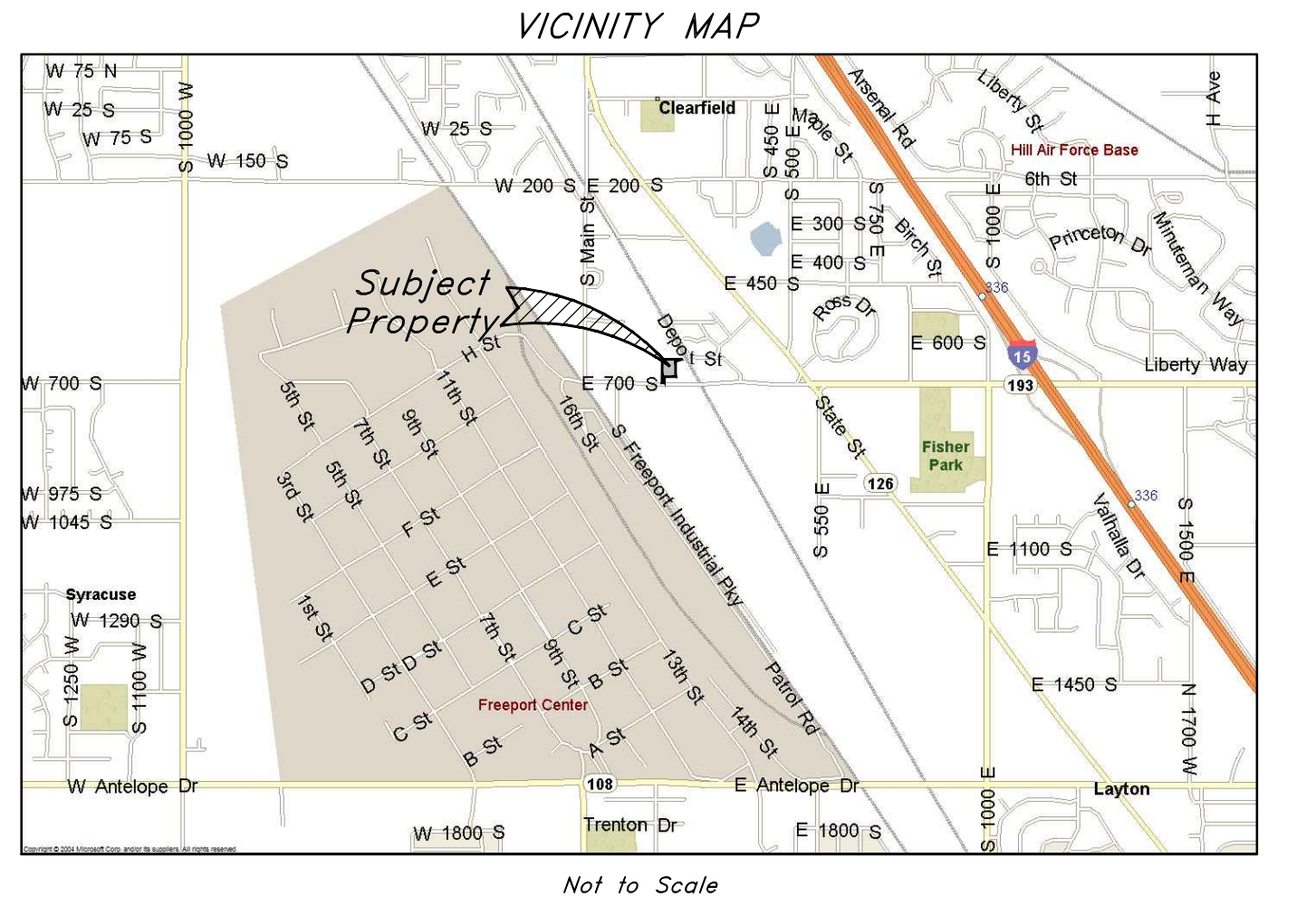
- (Note: All items may not appear on drawing)
- San. Sewer Manhole
 - Water Manhole
 - Storm Drain Manhole
 - Cleanout
 - Electrical Manhole
 - Catch Basins
 - Exist. Fire Hydrant
 - Exist. Water Valve
 - Water Valve
 - Sanitary Sewer
 - Culinary Water
 - Gas Line
 - Irrigation Line
 - Storm Drain
 - Telephone Line
 - Secondary Waterline
 - Power Line
 - Fire Line
 - Land Drain
 - Power pole
 - Power pole w/guy
 - Light Pole
 - Fence
 - Flowline of ditch
 - Overhead Power line
 - Corrugated Metal Pipe
 - Concrete Pipe
 - Reinforced Concrete Pipe
 - Ductile Iron
 - Polyvinyl Chloride
 - Top of Asphalt
 - Edge of Asphalt
 - Centerline
 - Flowline
 - Finish Floor
 - Top of Curb
 - Top of Wall
 - Top of Walk
 - Top of Concrete
 - Natural Ground
 - Finish Grade
 - Match Existing
 - Fire Department Connection
 - Finish Contour
 - Exist. Contour
 - Finish Grade
 - Exist. Grade
 - Ridge Line
 - Direction of Flow
 - Existing Asphalt
 - New Asphalt
 - Heavy Duty Asphalt
 - Existing Concrete
 - New Concrete
 - Spill Curb & Gutter
 - Demo Tree

SETBACKS:

- Front Yard: 10.0'
- Side Yard: 0.0'
- Side Yard (Corner): 10.0'
- Rear Yard: 0.0'

DESCRIPTION

A part of the Southwest Quarter of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Syracuse County, Utah
Beginning at a point on the North line of 700 North Street (State Route 193), being 856.50 feet South 89°48'25" East along the Section line and 62.43 feet North 0°13'08" East from the Southwest Corner of said Section 1, and running thence North 0°13'08" East 326.57 feet; thence South 89°48'25" East 265.90 feet; thence South 29°56'06" East 2.80 feet; thence South 74°21'00" West 86.35 feet; thence South 0°09'00" West 215.00 feet; thence North 89°48'25" West 154.50 feet; thence South 0°13'08" West 86.17 feet to said North line of 700 North Street (State Route 193); thence North 88°40'11" West 30.01 feet along said North line to the point of beginning.
Contains: 1.106 acres



GREAT BASIN ENGINEERING Z

5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.A.L.C (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM

Preliminary Plan

Summit Realty II - Subdivision

Approx. 650 South 200 East
Clearfield Utah, Davis County, Utah
A part of Section 1, T4N, R2W, SLB&M, U.S. Survey

16 OCT, 2014

SHEET NO. **C1**

13N001

Summit Realty II - Subdivision

A part of the Southwest 1/4 of Section 1, T4N, R2W, SLB&M, U.S. Survey

Clearfield City, Davis County, Utah

October 2015

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58 Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I also do hereby certify that Summit Realty II - Subdivision in Clearfield City, Davis County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Davis County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monumented Lot corners have been set as shown on this drawing.
Signed this _____ day of _____, 2014.

Andy Hubbard

DESCRIPTION

A part of the Southwest Quarter of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Syracuse City, Davis County, Utah
Beginning at a point on the North line of 700 North Street (State Route 193), being 856.50 feet South 89°48'25" East along the Section line and 62.43 feet North 0°13'08" East from the Southwest Corner of said Section 1, and running thence North 0°13'08" East 326.57 feet; thence South 89°48'25" East 265.90 feet; thence South 29°56'06" East 2.80 feet; thence South 74°21'00" West 86.35 feet; thence South 0°09'00" West 215.00 feet; thence North 89°48'25" West 154.50 feet; thence South 0°13'08" West 86.17 feet to said North line of 700 North Street (State Route 193); thence North 88°40'11" West 30.01 feet along said North line to the point of beginning.
Contains: 1.106 acres

NARRATIVE

This survey and subdivision plat were requested by Jared Schofield for the purpose of subdividing the above referenced property into two (2) Lots.
Brass cap monuments were found at the Southeast corner and the South Quarter corner of Section 1, T4N, R2W, SLB&M, U.S. Survey.
A line bearing South 89°48'25" East between these two monuments was used as the basis of bearings.

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots as shown on this plat, and name said tract Summit Realty II - Subdivision, as may be authorized by Clearfield City.
Signed this _____ day of _____, 2014.

Summit Realty Management, LP Impact Machine Company LLC

Frank Calandra, Jr.

Jerry Shelton

ACKNOWLEDGMENT

State of Utah }
County of Davis } ss

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____ Print Name _____

ACKNOWLEDGMENT

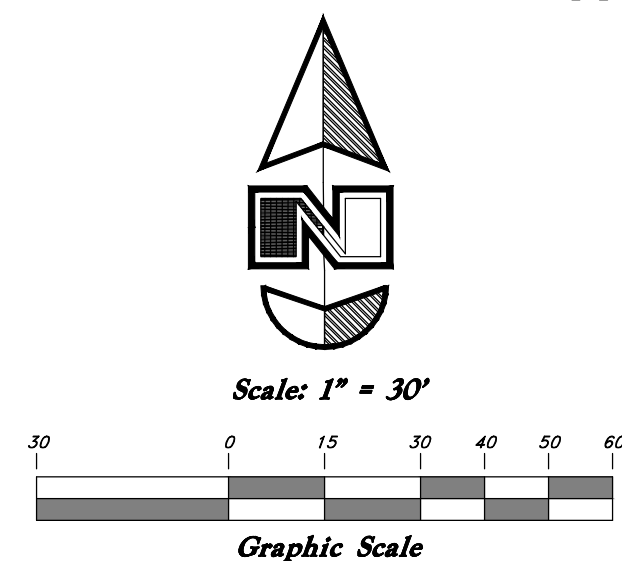
State of Utah }
County of Davis } ss

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

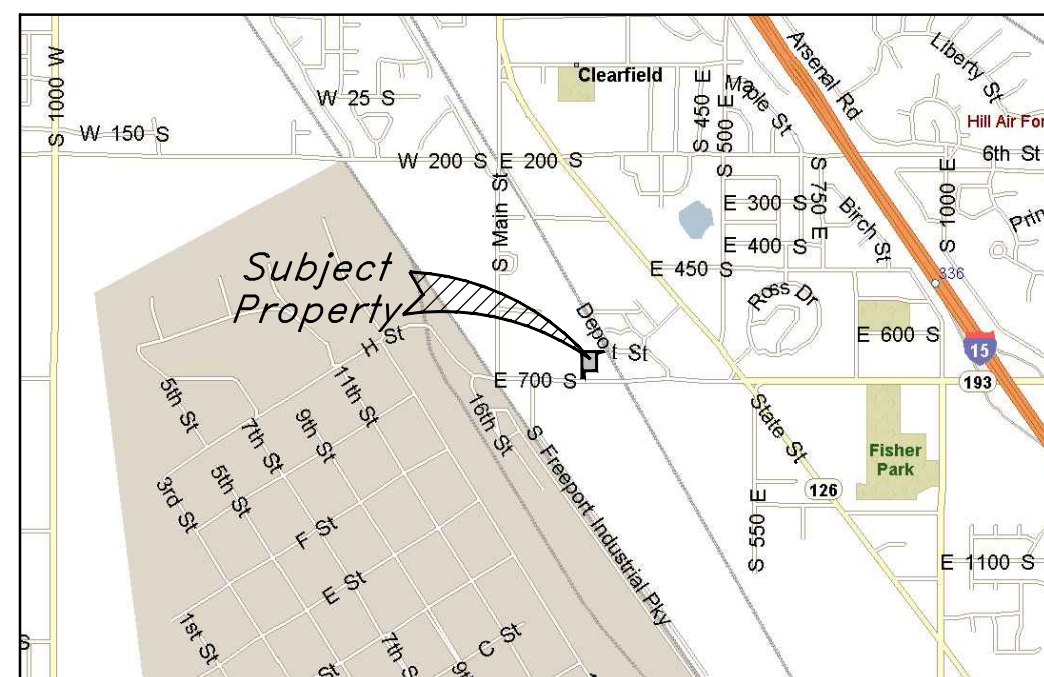
Commission Expires: _____ Print Name _____



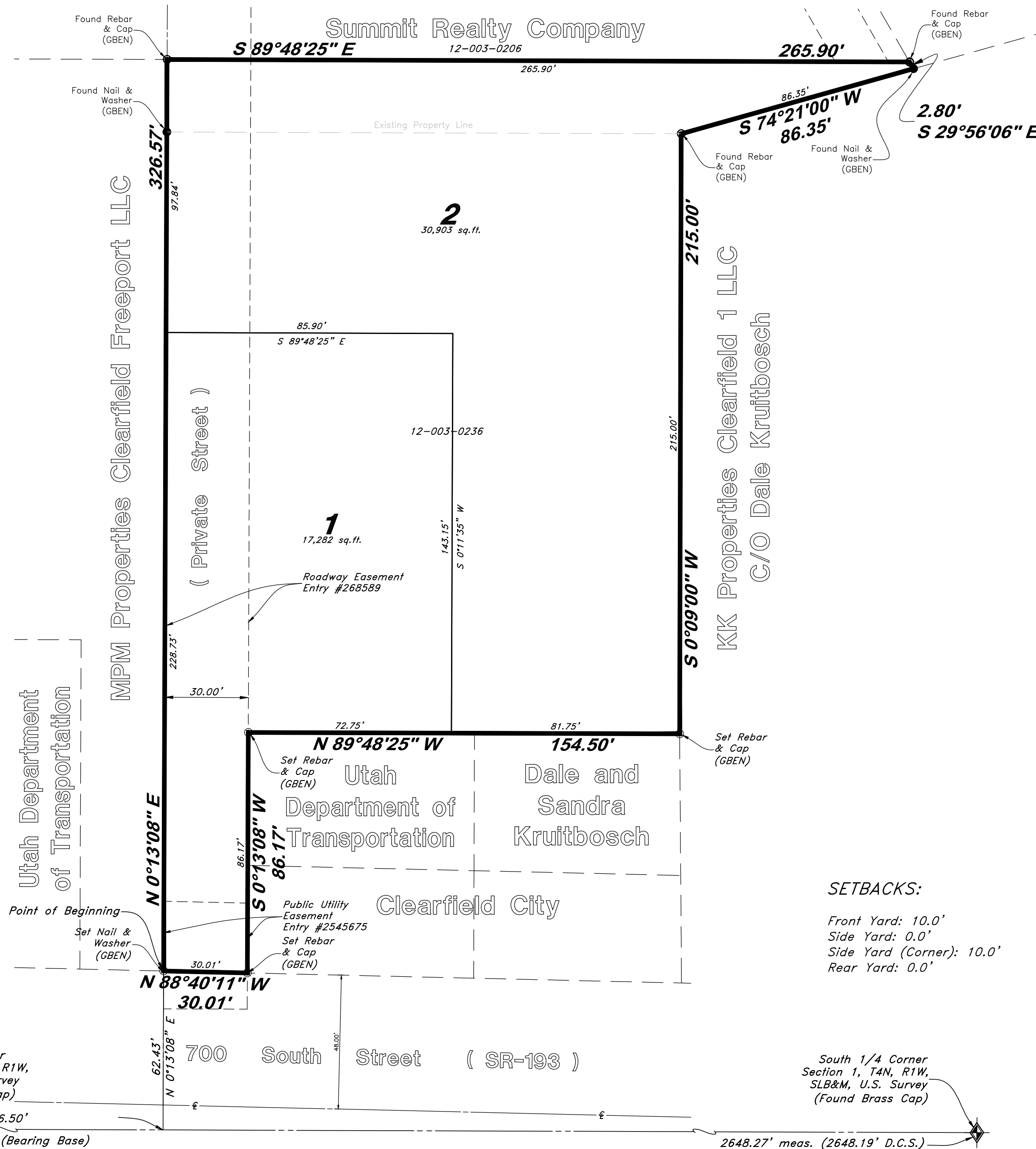
LEGEND

- ▲ Set Nail & Washer
- Set Rebar & Cap
- Hub & Tack
- ⊕ Monument to be Set
- ◆ Section Corner
- (Rad) Radial line
- (N/R) Non-Radial line
- D.C.S. Davis County Survey
- - - Public Utility & Drainage Easement Line

VICINITY MAP



Not to Scale



SETBACKS:

Front Yard: 10.0'
Side Yard: 0.0'
Side Yard (Corner): 10.0'
Rear Yard: 0.0'

CITY COUNCIL APPROVAL

Approved this _____ day of _____, 2014 by the Clearfield City Council.

CLEARFIELD CITY ATTORNEY

Approved as to form signed this _____ day of _____, 2014.

PLANNING COMMISSION

Approved this _____ day of _____, 2014 by the Clearfield City Planning Commission.

CITY ENGINEER

I hereby certify that this office has examined this plat and it is correct in accordance with the information on file in this office
this _____ day of _____, 2014.



5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM

City Recorder

Mayor

City Attorney

Chair

City Engineer

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND
RECORDED _____ AT _____
IN BOOK _____ OF OFFICIAL
RECORDS, PAGE _____ RECORDED
FOR _____

DAVIS COUNTY RECORDER

BY: _____ DEPUTY



City Council

STAFF REPORT

TO: Mayor Shepherd, City Council, and Executive Staff

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: December 9, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **FSP 1411-0005**: A request by Don Mckinnon of Davis Behavioral Health for Final Subdivision Plat approval located at approximately 836 S. State Street (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004).

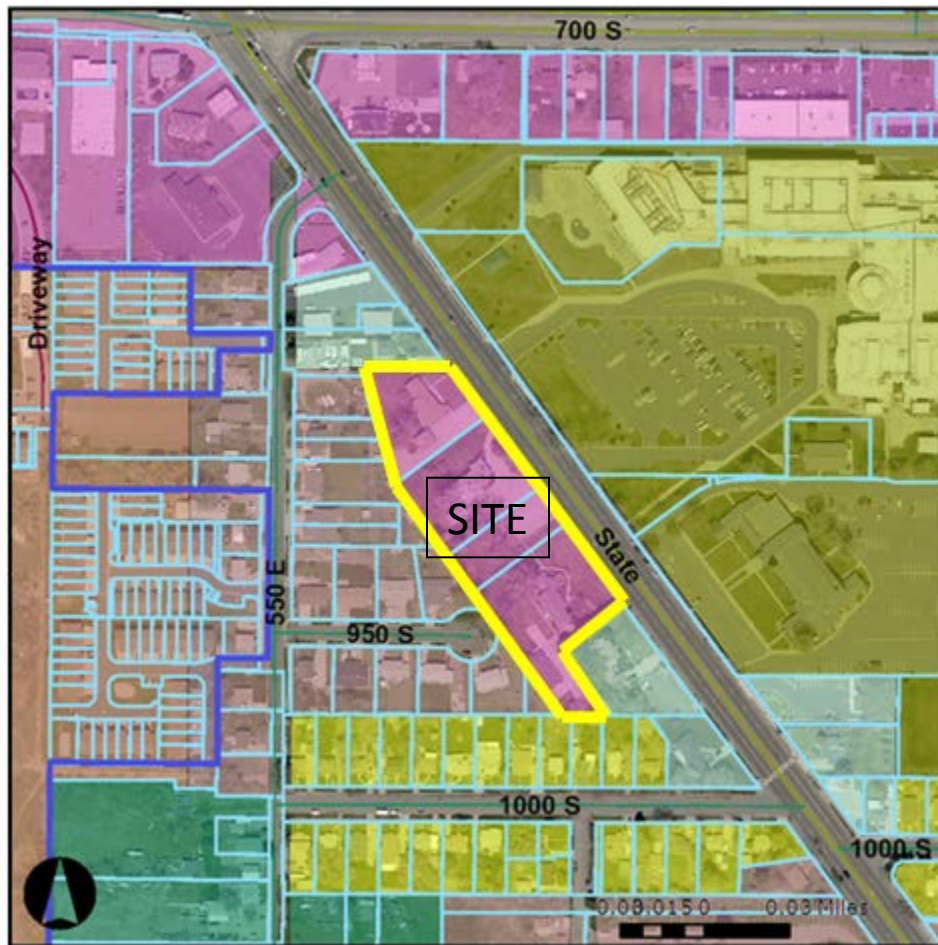
RECOMMENDATIONS

Approve as Conditioned **FSP 1411-0005**: A request by Don Mckinnon of Davis Behavioral Health for Final Subdivision Plat approval located at approximately 836 S. State Street (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004) based on findings and discussion in the staff report.

PROJECT SUMMARY

Project Information	
Project Name	Davis Behavioral Health Property Combination
Site Location	Approx. 836 S. State Street
Tax ID Number	12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004
Applicant and Property Owner	Don McKinnon
Property Owner	Davis Behavioral Health
Proposed Actions	Final Subdivision Approval
Current Zoning	C-2 Commercial
Master Plan Land Use	Commercial

Vicinity Map



ANALYSIS

Planning Commission Recommendation

On December 3, 2014, Clearfield City Planning Commission approved a Preliminary Subdivision Plat and recommended approval to the City Council for the Final Subdivision Plat. Preliminary Subdivision Plats receive final approval at the Planning Commission level, however Final Subdivision Plats move forward to City Council for final approval and acceptance.

Background

This plat is for the purposes of combining four separate lots owned by Davis Behavioral Health. Clearfield City participated financially in the removal of three structures on these properties, and a condition of that partnership included combination of the lots in order to create a single pad site for future commercial construction. There is not currently a buyer or a use being proposed on the property.

Master Plan and Zoning

The parcels are Master Planned and zoned Commercial. The proposed amended plat is consistent with both the Master Plan and zoning.

Subdivision Plat Approval

The plat is substantially complete as drafted. Staff would recommend that there be 10 foot public utility easements placed on the exterior boundary of the newly created single parcel. Public works and North Davis Fire have reviewed the plat, and have no major comments or concerns. The plat is currently going through Engineering Review. Engineering comments are required to be incorporated into the final plat prior to acceptance by the City.

Public Comment

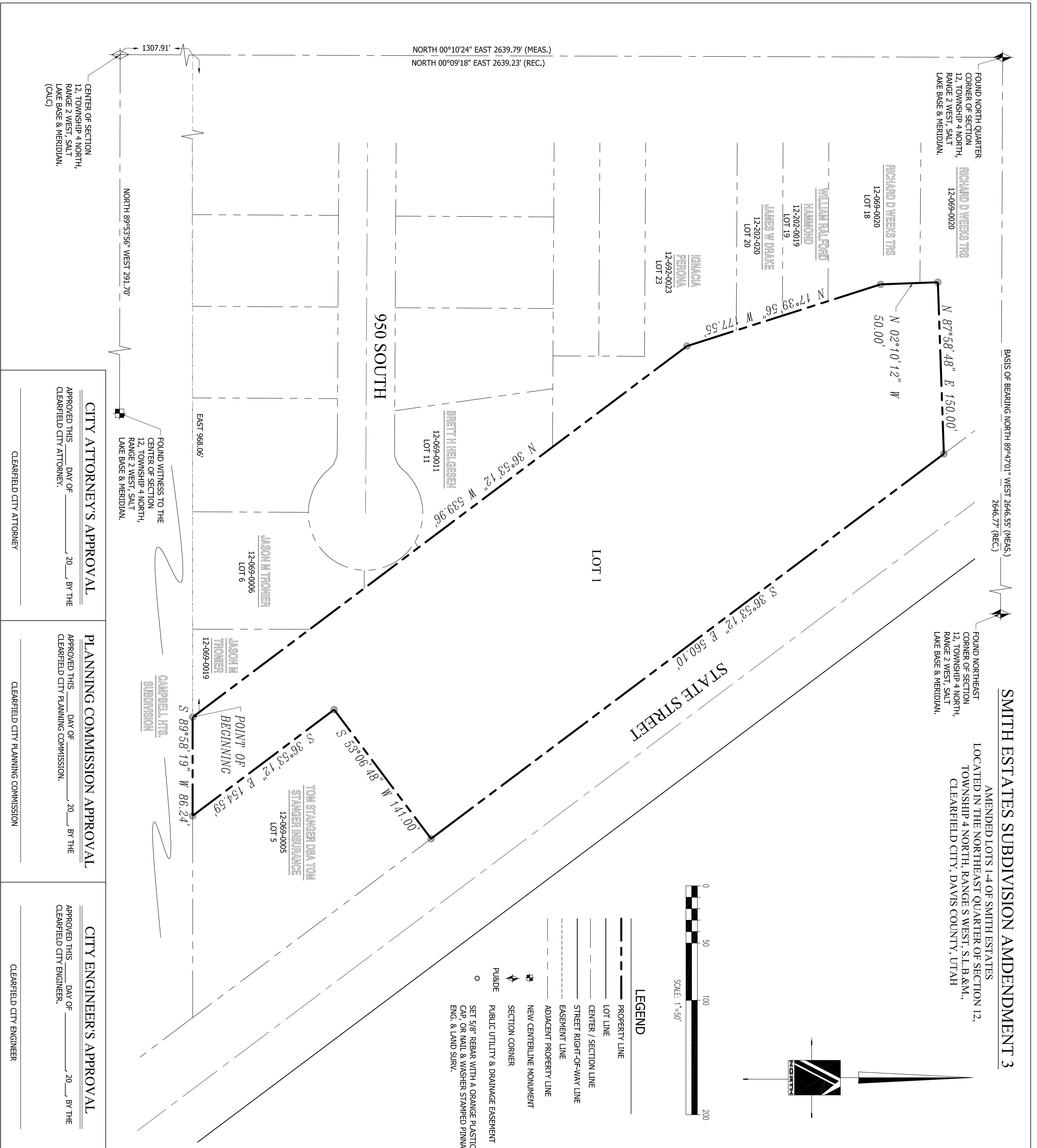
No public comment has been received to date.

CONDITIONS OF APPROVAL

- 1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited necessary easements and other call-outs as required.
- 2) Pursuant to the Subdivision Ordinance 12-4-5, an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any certificates of occupancy.
- 3) Pursuant to the Land Use Ordinance 11-13-23(C) and (D) Prior to obtaining any certificates of occupancy, the applicant either completes landscaping improvements or is subject to establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.
- 4) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.
- 5) 10 foot public utility easement added to the perimeter of the single lot.
- 6) Show existing garage structure, and whether that structure is to remain or be removed.

ATTACHMENTS

1. Smith Estates Subdivision Amendment 3



SMITH ESTATES SUBDIVISION AMENDMENT 3

AMENDED LOTS 1-4 OF SMITH ESTATES
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 12,
 TOWNSHIP 4 NORTH, RANGE 5 WEST, S.L.B. & M.,
 CLEARFIELD CITY, DAVIS COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, STEPHEN J. FARRELL, LICENSED SURVEYOR, AND THAT I HOLD A PROFESSIONAL LICENSE IN THE STATE OF UTAH AND AM A MEMBER IN GOOD STANDING OF THE SURVEYORS ASSOCIATION OF UTAH, HEREBY CERTIFY THAT I AM THE SURVEYOR OF THE ABOVE DESCRIBED TRACT OF LAND AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HERETOBE DESCRIBED AS SMITH ESTATES SUBDIVISION AMENDMENT 3 AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS MEET FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT BEING LOCATED NORTH 00°10'24" EAST ALONG SECTION LINE 1307.91 FEET AND EAST 598.06 FEET FROM THE CENTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE NORTH 86°53'12" WEST 359.26 FEET; THENCE NORTH 17°39'26" WEST 177.55 FEET; THENCE SOUTH 89°58'19" WEST 86.24 FEET; THENCE SOUTH 36°53'12" EAST 154.59 FEET; THENCE SOUTH 89°58'19" WEST 86.24 FEET TO THE POINT OF BEGINNING. (31,347 SQ. FT. (3.02 ACRES - LOT)

DATE: _____ SURVEYOR: STEPHEN J. FARRELL
 LICENSE NO. 191517

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT _____ THE UNDERSIGNED OWNER, 1 OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT, HEREBY KNOW AS SMITH ESTATES SUBDIVISION AMENDMENT 3.

IN WITNESS WHEREOF, I HAVE HERETO SET _____ THIS _____ DAY OF _____ A.D. 20__

ACKNOWLEDGMENT

STATE OF UTAH)
 COUNTY OF DAVIS)
 ON THE _____ DAY OF _____ A.D., 20__ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF DAVIS IN SAID STATE OF UTAH, THE SIGNER () OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT _____ SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC
 _____ RESIDING IN DAVIS COUNTY

SMITH ESTATES SUBDIVISION AMENDMENT 3

AMENDED LOTS 1-4 OF SMITH ESTATES
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 12,
 TOWNSHIP 4 NORTH, RANGE 5 WEST, S.L.B. & M.,
 CLEARFIELD CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

ENTRY NO. _____ FILED FOR RECORD
 PAID _____ AND RECORDED THIS _____ DAY OF _____ 20__ AT _____ IN BOOK _____ OF OFFICIAL RECORDS PAGE _____

BY _____ DAVIS COUNTY RECORDER
 _____ DEPUTY RECORDER

CITY ATTORNEY'S APPROVAL
 APPROVED THIS _____ DAY OF _____ 20__ BY THE CLEARFIELD CITY ATTORNEY, _____

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____ 20__ BY THE CLEARFIELD CITY PLANNING COMMISSION, _____

CITY ENGINEER'S APPROVAL
 APPROVED THIS _____ DAY OF _____ 20__ BY THE CLEARFIELD CITY ENGINEER, _____

CITY COUNCIL APPROVAL
 APPROVED THIS _____ DAY OF _____ 20__ BY THE CLEARFIELD CITY COUNCIL, _____

PINNACLE
 Engineering & Land Surveying, Inc.
 2720 North 550 West, Suite 4108
 Layton, UT 84041
 Phone: (801) 774-9100
 Fax: (801) 774-9925

December 10, 2014

Mr. Wayne Belleau
Manor House Development
1412 S. Legend Hills Dr., Suite 100
Clearfield, UT 84015

RE: MOU for a Collective Reduction in Development Fees on Certain Legend Hills Properties

Dear Wayne,

The purpose of this letter is to memorialize Clearfield City's willingness to offer, for a fixed period of time not to exceed five (5) years, waivers of certain development fees (permit and application fees up to a set maximum amount, but not any impact fees) for specific parcels at Legend Hills in order to help facilitate new retail development on those properties.

As you are already aware, in a letter dated February 6, 2007, the City previously extended an offer to waive up to \$52,000.00 in building permit fees and application fees in order to help offset some of your costs to acquire additional land for commercial development in the Legend Hills area rather than have that highly viable commercial property remain slated for use as a public facility. The February 6th letter offered those fee waivers for a period of five years; therefore, that offer expired nearly three years ago.

However, due to the economic recession which significantly hindered and perhaps even halted commercial development for several years in this area shortly after that February 6th letter was issued, and now that the economy has rebounded, the City believes it would again be appropriate to offer a similar waiver of fees (on building permits and/or application fees, but not on any impact fees) collectively totaling a sum of up to \$52,000.00 for ***new retail development*** which occurs on the following parcels of land in the Legend Hills during the next five (5) years (before January 1, 2020): TIN's 09-341-0305, 09-341-0306, 09-023-0082 and 09-377-0306.

The aforementioned fee waivers can be applied/credited either on your behalf as the developer of the listed properties, or to the benefit of a subsequent property owner or developer of the listed properties who provides your written authorization and approval to utilize said waivers instead.

If you have any questions, or if we can be of further assistance, please feel free to contact us.

Sincerely,

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

Energy Performance Contracting Bid

2014-B10

Bid Scoresheet



	Rater	Management Approach	Cost & Pricing	Feasibility Study	Total	Total Score
Siemens	Rich	33	30	35	98	271
	Eric	29	28	31	88	
	Curtis	28	27	30	85	
	Average	30.0	28.3	32.0	90.3	
McKinstry	Rich	35	28	33	96	276
	Eric	31	28	32	91	
	Curtis	30	27	32	89	
	Average	32.0	27.7	32.3	92.0	

CLEARFIELD CITY ORDINANCE 2014-29

AN ORDINANCE AMENDING THE CLEARFIELD CITY GENERAL PLAN

PREAMBLE: This Ordinance changes Chapter 4, Affordable Housing, in the Clearfield City General Plan by striking the language which prohibits rezoning any additional property to R-2, two-family residential, and R-3, multi-family residential.

WHEREAS, the abovementioned Chapter of the City's General Plan limits the ability to rezone property to two-family or multi-family dwellings except as part of an approved R-3R, MU, C-R or D-R Zone project; and

WHEREAS, a request has been made to amend the language to allow for rezones to R-2 or R-3 in limited cases; and

WHEREAS, after holding a duly noticed public hearing and deliberating on the proposed changes submitted by the applicant as well as an alternate recommendation presented by City staff, the Planning Commission determined that allowing each application for a rezone to R-2 or R-3 residential to be considered based upon the property's and/or project's own merit rather than based uniquely upon the specific size of the property would be a more appropriate and better approach which would still allow additional flexibility for both owners and the City for parcels to develop at their highest and best use; and

WHEREAS, after holding a duly noticed public hearing and carefully considering the Applicant's application, any public input provided, as well as the conclusions reached and recommendation given by the Clearfield City Planning Commission, the Clearfield City Council publicly deliberated this matter and determined that the Planning Commission's recommendation to approve staff's alternate proposal to strike the prohibition against rezoning any additional property in the City from Chapter 4, Affordable Housing, in the City's General Plan is in the best interests of Clearfield City and its residents;

NOW THEREFORE BE IT ORDAINED, by the Clearfield City Council that:

Section 1. General Plan Amendment: The last sentence in Chapter 4, Affordable Housing, which reads as "There are still approximately five acres of undeveloped high-density residential property in the City; therefore, current policy is that no additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, MU, C-R or D-R Zone project." is hereby removed.

Section 2. Effective Date: This Ordinance shall become effective immediately upon its passage and posting in three public places within Clearfield City.

DATED this 9th day of December, 2014, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

CLEARFIELD CITY ORDINANCE 2014-30

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11, Chapters 1, 8A, 8B, 9A, 9B, 9C, 9D, 9E, 9G, 9H, 11B, 11D, 13 and 15; Title 12, Chapter 1 of the Clearfield City Code addressing the Public Notice Table, Home Occupation, Nondepository Lending, Sign Regulations, Subdivision Regulations and Swap Meets.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 1, Section 10, Subsection A, Public Notice Table 11.2 is hereby amended to read as follows:

	Published In A Newspaper Of General Circulation In The Area	Sent to Each "Affected Entity"	Posted In At Least 3 Public Locations Within The City; Or On City's Official Website	Provided To The Applicant(s)	Sent Via Regular U.S. Mail To All Property Owners Located Within 300 Feet Of Subject Property¹	Sign Posted On Or Adjacent To The Property
Adoption or modification of general plan or map	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	N/A	N/A
Adoption or modification of land use ordinance or zoning map	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing
Approval or modification of subdivision preliminary plat	N/A	N/A	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing
Vacation, alteration, or amendment of a subdivision final plat or any portion of a recorded subdivision final plat	N/A	N/A	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing
Vacation, alteration, or amendment of any public street or alley, right of way, or easement	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing to record owner of each parcel that is accessed by the public street, right of way, or easement	10 calendar days before hearing

Conditional Use Permit	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing to record owner of each parcel that is accessed by the public street, right of way, or easement	N/A
Other public hearings required by this title	10 calendar days before hearing	N/A	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	N/A
Public meetings	At least 24 hours before meeting	N/A	At least 24 hours before meeting	At least 24 hours before meeting	N/A	N/A
Annexations	Shall comply with the requirements of <u>title 10</u> of Utah Code Annotated.					

Title 11, Chapters 8A, 8B, 9A, 9B, 9C, 9D, 9E, and 9G of the Clearfield City Code are hereby amended by changing “Home Occupation” from conditional uses in each of those chapters to permitted uses in each of those chapters respectively.

Title 11, Chapter 13, Section 29, Subsection A, Nondepository Lending Establishments of the Clearfield City Code is hereby amended by adding Paragraph 3 to read as follows:

3. A nondepository lending establishment shall not be located within 880 feet from any tattoo or body piercing establishment.

Title 11, Chapter 15, Section 3. Interpretation of the Clearfield City Code is hereby amended to read as follows:

11-15-3: INTERPRETATION:

In interpreting and applying the provisions of this chapter, the sign regulations contained herein are declared to be the maximum allowable for the purposes set forth. If the zoning administrator determines that an application needs further interpretation, he may request planning commission review of the proposal.

If the applicant wishes to propose or retain a sign that exceeds ordinance standards, he may apply to the *planning commission* for a variance or special exception as outlined in section [11-15-5](#) of this chapter.

Title 11, Chapter 3, Section 3. Definitions of the Clearfield City Code is hereby amended by adding a definition for “Swap Meet” to read as follows:

SWAP MEET: Property where owner or lessee rents, lends or leases the premises to multiple persons for use as an indoor open market place (without separate suites, offices or rooms) to barter, exchange or sell goods. A flea market

shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

Title 11, Chapter 11, Articles B and D of the Clearfield City Code are hereby amended by adding "Swap Meet" as a conditional use in each of those chapters respectively.

Title 11, Chapter 13, Supplementary Regulations of the Clearfield City Code is hereby amended by establishing Section 32, Swap Meets to read as follows:

SWAP MEETS:

- A. License Required: It shall be unlawful for any person, firm, corporation or charity to hold a swap meet or flea market without having first obtained a business license.
 - 1. Daily Business License: A swap meet licensee shall have the right to issue daily business licenses to individual sellers operating on the swap meet licensee's premises upon receiving the required daily license fee of one dollar (\$1.00), as determined in the Consolidated Fee Schedule, and the signed application required by this article. This fee shall be remitted to the city and shall be applied toward the city's added costs of printing application forms and policing swap meets for stolen goods. A licensee shall have the right to refuse to issue a daily business license to any applicant who does not have positive identification or who the licensee has reasonable cause to believe is attempting to sell stolen property.
- B. Restricted Items: No sale of firearms, pyrotechnics, ammunition, explosives, alcoholic beverages, food (except fresh produce), drinks, pornography, illegal substances, or medicines shall be made by daily sellers on the swap meet licensee's premises.
- C. Report Required: It shall be the duty of every swap meet licensee to report to the police department any article he or she has reason to believe was stolen or lost and found by the person attempting to sell it.
- D. Pawnbrokers and Secondhand Business: A swap meet licensee shall not conduct the business of a pawnbroker or secondhand dealer without having obtained the licenses required for such businesses as provided in this Title.

Title 12, Chapter 1, Section 7, Exception to Avoid Hardship of the Clearfield City Code is hereby amended to read as follows:

12-1-7: EXCEPTIONS TO AVOID HARDSHIPS:

Whenever the tract to be subdivided is, in the opinion of the *planning commission*, of such unusual shape or size or is surrounded by development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the *planning commission* may vary or modify such requirements so that the subdivider is allowed to develop their property in a reasonable manner but also, at the same

time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of this Title is preserved.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posted as prescribed by law.

Passed and adopted by the Clearfield City Council this 9th day of December, 2014.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY: